THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.13341 of 1998

Dated : 28.09.2007

Between:

M/s Suryavamsi Spinning Mills Limited,
105, Surya towers, 6th floor,
Sardar Patel Road, Secunderabad,
rep., by the Company Secretary Sri B.R.S.Reddy.

..... PETITIONER

And:

The Assistant General Manager,
Department of Telecommunications,
Hyderabad Telecom District,
Suryalok Complex, Gunfoundry,
Hyderabad and another.

.....RESPONDENTS

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ORDER:

Petitioner was provided with International Standard Dialing (ISD) facility by the respondent-department for its telephone bearing No.7707041. According to the petitioner, the installation of ISD facility to the said telephone was defective and hence, the bill went upto Rs.53,400/-. The respondent-department issued a demand notice to the

petitioner to pay the said amount of Rs.53,400/-, however, the petitioner failed to pay the same, hence, the respondent-department disconnected the telephone of the petitioner. Aggrieved thereby, this writ petition is filed.

This Court, by an order dated 08.05.1998, taking into consideration the fact that an amount of Rs.21,600/- is lying with the respondents as deposit, ordered reconnection of the all the disconnected telephones of the petitioner on its paying a sum of Rs.16,000/-. Now the learned counsel for the petitioner submits that the said amount was already paid. Thus, a total sum of Rs.37,600/- is already paid by the petitioner.

Further, learned Standing Counsel appearing on behalf of the respondents submitted that the respondents filed O.S.No.10014 of 2003 before the II Additional Rent Controller-cum-XIV Junior Civil Judge, Hyderabad, for recovery of the said amount of Rs.53,400/-, and the said suit was decreed on 25.04.2006 holding that the respondents herein are entitled to recover the said amount of Rs.53,400/- with proportionate costs together with interest at 12 per cent per annum from the date of the suit till the date of the decree and thereafter at the rate of 6 per cent per annum till the date of realization, and the said judgment has become final as no appeal is preferred by the petitioner.

In the light of the said judgment, this Court is not inclined to go into the merits of this writ petition.

Accordingly, the writ petition is dismissed. However, the respondents are hereby directed to give credit to the amounts i.e, Rs.21,600/- and Rs.16,000/-, already deposited by the petitioner, in executing the said decree. There shall be no order as to costs.

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28.09.2007

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